THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 24059 OF 2007

Dated 14th November, 2007

Between:

M/s Kun Automobiles …Petitioner

And

The Assistant Commissioner
And two others …
Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 24059 OF 2007

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal before the Sales Tax Appellate Tribunal, Hyderabad, application for stay filed by the petitioner was dismissed by the third respondent by order dated 07-08-2007 and the first respondent is taking coercive steps for recovery of the disputed penalty.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 25 per cent of the disputed penalty. Therefore, we set aside the order of the third respondent dated 07-08-2007 and direct that 25 per cent of the disputed penalty shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay of recovery of the disputed penalty and the stay shall continue till

disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed penalty, while calculating the 25 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

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Bilal Nazki, ACJ

Dated 14th November, 2007

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Ramesh Ranganathan,J

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